

Nos. 22-1350, -1351

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

APPLE INC.,

Appellant,

v.

COREPHOTONICS, LTD.,

Appellee.

**UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE REPLY BRIEF**

Pursuant to Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rule 26(b), Appellant Apple Inc. respectfully requests an extension of 60 days to file its reply brief, to and including December 23, 2022. Apple received a 60-day extension of time to file its opening brief, and this is Apple's first request for an extension of time for its reply brief. Corephotonics received a 60-day extension of time to file its response brief. Counsel for Corephotonics stated that Corephotonics would not oppose a 60-day extension.

In support of this motion, Apple states the following:

1. Apple's reply brief is currently due on October 24, 2022. A 60-day extension would cause Apple's reply brief to be due on December 23, 2022.

2. This motion is being filed at least seven calendar days before the original due date for the opening brief. *See* Fed. Cir. R. 26(b)(1).

3. This is a consolidated appeal of two IPR proceedings. There is little overlap between the issues in the two IPR proceedings. Specifically, in IPR2020-00905, the Patent Trial and Appeal Board found that Apple had not established that claims 1-16, 18, 23-38, and 40 of U.S. Patent No. 10,225,479 were unpatentable over the prior art. That appeal primarily involves claim construction issues and the Parulski prior art reference. In IPR2020-00906, the Board found that Apple had not established that claims 19-22 of the '479 patent were unpatentable over the prior art. That appeal primarily involves the Ogata prior art reference. Given the number of discrete issues in the case, it will require additional time for counsel to prepare the reply brief in this case.

4. This extension is also made necessary by the press of other matters in this Court and other courts. Among ongoing obligations in

multiple matters, counsel Elizabeth Moulton has a combined response and reply brief on cross-petitions for review due October 13, 2022 in *AliveCor v. Apple*, Inv. No. 337-TA-1266 (ITC); a reply brief due October 14, 2022 in *Apple Inc. v. Corephotonics, Ltd.*, No. 22-1324 (Fed. Cir.); a comment on rulemaking regarding Arizona's invocation of Chapter 154 of title 28 of the U.S. Code due October 24, 2022, *see* 87 FR 52416 (Aug. 25, 2022); a response brief due November 18, 2022 in *Wi-LAN v. Vizio, Inc.*, No. 22-1871 (Fed. Cir.); and a response brief expected to be due December 9, 2022 in *Flash-Control, LLC v. Micron Technology Inc.*, No. 22-1914 (Fed. Cir.).

5. Counsel for Appellee stated that they would not oppose a request for 60-day extension.

CONCLUSION

For the foregoing reasons, Apple respectfully requests that the Court grant Apple's unopposed motion for a 60-day extension to file its reply brief, to and including December 23, 2022.

Date: October 11, 2022

Mark S. Davies
ORRICK, HERRINGTON &
SUTCLIFFE LLP
1152 15th Street, NW
Washington, DC 20005

Respectfully submitted,

/s/ Elizabeth R. Moulton

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Counsel for Appellant

FORM 9. Certificate of Interest

Form 9 (p. 1)
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number 22-1350, -1351

Short Case Caption Apple Inc. v. Corephotonics, Ltd.

Filing Party/Entity Apple Inc.

Instructions: Complete each section of the form. In answering items 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance. **Please enter only one item per box; attach additional pages as needed and check the relevant box.** Counsel must immediately file an amended Certificate of Interest if information changes. Fed. Cir. R. 47.4(b).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 10/11/2022

Signature: /s/ Elizabeth R. Moulton

Name: Elizabeth R. Moulton

FORM 9. Certificate of Interest

Form 9 (p. 2)
July 2020

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input checked="" type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input checked="" type="checkbox"/> None/Not Applicable
Apple Inc.		

☐ Additional pages attached

FORM 9. Certificate of Interest

Form 9 (p. 3)
July 2020

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☐ None/Not Applicable

☐ Additional pages attached

Haynes and Boone, LLP	Michael S. Parsons	Andrew S. Ehmke
Jordan Maucotel	Hong Shi	David W. O'Brien
Bethany Love	Stephanie Sivinski	

5. Related Cases. Provide the case titles and numbers of any case known to be pending in this court or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. Do not include the originating case number(s) for this case. Fed. Cir. R. 47.4(a)(5). See also Fed. Cir. R. 47.5(b).

☐ None/Not Applicable

☐ Additional pages attached

Corephotonics, Ltd. v. Apple Inc. No. 5:19-cv-04809-EJD (N.D. Cal.)		

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable

☐ Additional pages attached

DECLARATION

Pursuant to 28 U.S.C. § 1746 and Federal Circuit Rule 26(b)(3), I declare under penalty of perjury that the statements in the foregoing Motion are true and correct.

Executed on October 11, 2022
in Zephyr Cove, NV

Respectfully submitted,

/s/ Elizabeth R. Moulton

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Counsel for Appellant

CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A). The motion is printed in Century Schoolbook 14-point font, and it contains 448 words, excluding the items listed in Federal Rule of Appellate Procedure 27(a)(2)(B).

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Elizabeth R. Moulton
Elizabeth R. Moulton
Counsel for Appellant